

**SPECIAL MEETING
BOARD OF MAYOR AND ALDERMEN
(PUBLIC HEARING - REZONING)**

August 6, 2001

6:00 PM

Mayor Baines called the meeting to order.

Mayor Baines calls for the Pledge of Allegiance, this function being led by Alderman Wihby.

A moment of silent prayer was observed.

The Clerk called the roll.

Present: Aldermen Wihby, Gatsas, Levasseur (late), Sysyn, Pinard, O'Neil, Lopez, Vaillancourt, Pariseau, Cashin, Thibault, Hirschmann (late)

Absent: Aldermen Clancy and Shea

Mayor Baines advised that the purpose of the special meeting is to hear those wishing to speak in favor of or in opposition to proposed Zoning Ordinance changes; that the Clerk will present the proposed Zoning Ordinance changes for discussion at which time those wishing to speak in favor will be heard, followed by those wishing to speak in opposition; that anyone wishing to speak must first step to the nearest microphone when recognized and recite his/her name and address in a clear, loud voice for the record; that each person will be given only one opportunity to speak; and any questions must be directed to the Chair.

The Clerk presented the proposed Zoning Ordinance changes:

"Amending the Zoning Ordinance of the City of Manchester by making the following changes to the map and text as follows:

- 1) on the zoning maps, extend the R-SM (multi-family) zoning district to include Lot 17 and the remaining portion of Lot 8 on either side of Countryside Boulevard west of Hackett Hill Road, in an area currently zoned R-S (single-family);
- 2) on the zoning maps, extend the B-2 (general business) district southerly to include the remaining portions of two lots on Loring Street and two lots on Faltin Drive, in an area currently zoned IND (general industrial);
- 3) in the text portion of the ordinance, amend Section 6.07 Table of Dimensional Regulations by changing under the Height column "35" (feet) to "45" (feet) in the line for R-SM - Residential."

Mayor Baines requested that Robert MacKenzie, Director of Planning, make a presentation.

Mr. MacKenzie stated the first of the rezoning petitions is up in the far northwest corner of the City. You are probably familiar with Countryside Village. Countryside Village is shown shaded here up on the right. That is developed with a number of apartment complexes right on Hackett Hill Road. Here is Hackett Hill Road on the right hand side. If you go out Countryside Boulevard along the relatively new roadway, you will see Hillcrest Terrace at the end of the road located right here. That lot is fully developed. The area that is petitioned to be rezoned is the area just before Hillcrest Terrace. There is a larger area of almost 19 acres on the left hand side of the road, the south side of the road, and a much smaller piece of a couple of acres on the north side of the road that is being requested for RSM zoning district. RSM allows multi-family townhouses and single family developments. The northerly area, the larger tract that I am circling now is all RSM, the multi-family district. Currently south of the roadway it is RS. This RS district is residential suburban. That is one-acre house lots. That is the lowest density district in the City. There is an applicant who is interested in developing this for a relatively large project. The area that includes much of the area to the west of Countryside Village, including this parcel, would be a mixed use project that includes both apartments and single family homes. That project will be coming fairly shortly to the Planning Board. Again, the applicant believes that this particular parcel is important to their project. The Waterford Group says that this is an integral part of a larger project that they would like to do. I would note that the larger lot down below here is an area that the City is negotiating to purchase. That would go into the nature preserve. That is part of the unique natural area that is directly adjacent to UNH. UNH is just to the south of this property. This portion of the preserve the Board has approved for sale to the Nature Conservancy and as part of the agreement with the EPA and other environmental groups, the City is making a good faith effort to purchase this. I would note also that part of the agreement would be that the City attempt to purchase this parcel that is being requested for rezoning. The applicant has made it clear all along that they do not necessarily want to sell the parcel. The prospective developer feels as though it is very important for his project to proceed and we have understood that from the beginning that they do not necessarily want to sell that parcel. I don't think, myself, that it is an issue that the Board should necessarily wrestle with when it is at a rezoning. Rezoning is whether the property itself is suitable for that particular rezoning and whether it is suitable for the type of development that is envisioned. At this point, that is all that I have on this Hackett Hill property. Mayor if you would like me to proceed on the other two items.

Alderman Lopez asked this land that you are speaking of, does one party own it or is it a dispute between the hospitals in order for it to be rezoned.

Mr. MacKenzie answered as I understand it now, both hospitals, which do have an interest in it...there is a new partnership that is both hospitals and both hospitals are in agreement that they would like to sell this property. They have actually gone through a process to select the best developer or what they felt was the best developer for the City. They have gone through the process and selected one that they think would do a good job. Therefore, both hospitals are in agreement on selling this property.

Alderman Lopez asked what is the value now and what would it be if it were rezoned.

Mr. MacKenzie answered there would be some change in value. As the developer would like to put 40 single-family homes on this site, right now under the zoning he could probably put 16. Now there are more costs associated with utilities and roadway when you go to the 40, but there would be some additional value and I can't really tell you how much that is but there would be some additional value with the rezoning.

Alderman Pariseau stated the property is currently not paying any taxes to the City because it is owned by a non-profit entity right.

Mr. MacKenzie replied I believe that is correct.

Alderman Pariseau asked how much would we be adding to the tax base by rezoning this area. You said 40 homes?

Mr. MacKenzie replied probably 40 homes, which could be on the order of \$150,000 or more each. That is perhaps \$5 to \$8 million.

Alderman Vaillancourt stated just to follow-up on the two previous questions, could you explore with us a little bit more about the City you say wanting to take this land. We obviously wouldn't be adding 40 new homes or putting any money on the tax base if we do that and in response to Alderman Lopez's question, you said that the value of this land would be increased. So by doing this, isn't the City driving up the price that we would be paying to take the land in the future if we chose to go that course?

Mr. MacKenzie replied the value, yes, would go up however this was a particular parcel that it was understood from the beginning that if the applicant did not want to sell it, the City was not going to take extraordinary means to purchase the property.

Alderman Vaillancourt asked so we are not going to use eminent domain.

Mr. MacKenzie answered that is correct.

Alderman Thibault asked has anyone given any consideration to the impact on the schools in that area and other problems that may arise from this. Has anybody else looked at that?

Mr. MacKenzie answered we have asked the applicant to go into and analyze the west side schools and to really give a fair evaluation of the likely amount of kids that would be generated from this project so they are going to do some analysis. That was planned to be given to the Planning Board when the project came to the Planning Board for a site plan review if the Board approves the rezoning.

Alderman Thibault asked what is the impact fee right now if this project got going. What is the impact fee per house that would come to the City? I know the impact fees have been changed recently.

Mr. MacKenzie answered it does vary. It is about \$800 per unit for the apartments that would be built here and a little over \$1,600 for the single-family homes. In total, there would be about 120 single family homes built and perhaps as much as 380 apartments, but that is not on...those are not all on the land that is proposed for rezoning. The area that is shaded that is requested would only be 40 single-family homes.

Alderman Hirschmann stated Northwest Elementary School is already overcrowded. They have portable classrooms out in the parking lot. That school is beyond capacity by over 200 students. You are talking about 120 single family homes and 380 apartments and that is approximately 500 families coming into the area so I think you better design a school, your Honor.

Alderman Gatsas asked what is the density for RSM. How many units per?

Mr. MacKenzie answered it varies. If it is a single family they can do 7,500 square foot lots so for RSM it varies and that would be roughly 5 units per acre. It can go as high as 15 units per acre if they are doing apartments.

Alderman Gatsas asked so 15 units to an acre is going to bring you how many units.

Mr. MacKenzie answered they have proposed a project that is roughly 500 units in total developed over a few years.

Alderman Gatsas stated with 18.6 acres, if this Board rezoned it to RSM tonight, somebody could build 270 units on it.

Mr. MacKenzie replied I think given the topography, and the wetlands that are in that particular parcel, I think they could not hit that.

Alderman Gatsas responded I am just saying if you looked at it as a total area without you telling me about topography, if it is 15 units per acre it is 270 units.

Mr. MacKenzie stated the 15 units per acre is the ideal. That is if you had a flat site and all of the utilities and no wetlands. Realistically I think that if they put this land into multi-family you could get no more than probably 100 units in this particular area.

Alderman Gatsas stated let me ask you another question. What is the and maybe this is not a good question for you right now seeing that we are going through revaluations but I will try it. What have you seen multi-family lots per unit costs looking at currently?

Mr. MacKenzie replied again I am hesitant to guess on that because it varies considerably but if we are talking \$15,000 or upwards of \$20,000 per unit for multi-family near the central part of the City I am not sure what it would be in this particular area.

Alderman Gatsas asked so roughly if I use the 270 because of the rezoning times \$15,000, it is about \$4 million and I know what you are going to say to me. You are going to say to me that the topography and all of that stuff but all I am saying to you is that the rezoning would allow 270 units.

Mr. MacKenzie answered I think the Assessors do take into account though the physical characteristics of the site and ultimately they would probably say...I think more realistically they might assess it for 100 units max. 100 times \$15,000 or maybe \$1.1 to \$1.5 million if it had full utilities.

Alderman Gatsas asked but the 110 acre site is owned by the same people, is that correct.

Mr. MacKenzie answered they would like to purchase it. It has not gone through yet.

Alderman Gatsas stated that is already zoned RSM.

Mr. MacKenzie replied correct.

Alderman Gatsas asked if those two contiguous pieces were put together, then the density would increase by 270 on the smaller piece because you could use the density on the offset on the other piece, is that correct or not.

Mr. MacKenzie answered again I am hesitant to say yes because frankly I think at the roughly 500 units they are talking about whereas the theoretical maximum for 100 acres

would be something like 1,500 units, the realistic maximum for this area is maxed at about 500 because of all of the wetlands and the hilly character and the difficulty in providing utilities.

Alderman Gatsas asked a single-family lot today is how much.

Mr. MacKenzie answered that is going to range anywhere from \$35,000 to upper end lots of \$50,000 to \$60,000.

Alderman Lopez asked if this was rezoned, you mentioned in your presentation that they are willing to sell it to the City to keep it open land. Am I correct?

Mr. MacKenzie answered just to clarify, they are willing to sell what is the key portion and that is down below here. There are discussions to finalize a purchase and sales agreement for the 142 acres that have been of the most interest to the various environmental groups. They are willing to sell that.

Alderman Lopez asked but if we rezone, they can build.

Mr. MacKenzie answered if they rezone this other piece and again they have not, at any point, indicated any willingness to sell this piece right here. All along, the current owner and the prospective purchaser have indicated that they would like to keep that.

Alderman Wihby asked was it RS at one time. The whole thing?

Mr. MacKenzie answered yes.

Alderman Wihby stated and it says here that we rezoned it to RSM and we forgot to do that little parcel. Is that true?

Mr. MacKenzie replied when we did the larger rezoning the applicant specifically asked the Board to extend the zoning to include this northwest corner. They did not ask for this section to be rezoned at this time.

Alderman Wihby asked so when it says that we forgot, that is not true. It wasn't a mistake?

Mr. MacKenzie answered no.

Alderman Wihby asked if it stayed RS what could be there.

Mr. MacKenzie answered just single family homes on one-acre lots.

Alderman Wihby asked so about 18.

Mr. MacKenzie answered probably 16 at the most.

Alderman Wihby asked and by rezoning it they are going to get how many.

Mr. MacKenzie answered they are proposing 40.

Mayor Baines asked Mr. MacKenzie to proceed with the presentation.

Mr. MacKenzie stated the next rezoning is an area off South Willow Street. On this particular map you can see South Willow Street cutting diagonally. To give you some landmarks here, the McDonalds is a little bit further up. Linguard is right here. Loring Street. Donovan Spring is in the back. A-Market is located right here on Loring Street. There is a development group proposing a major supermarket and shopping center in this area and they are trying to assemble a parcel that includes properties in a couple of locations. They do extend out to South Willow Street but generally the property is up to Linguard, out to the railroad tracks and out to the Faltin Drive area. Most of the sites that they own are zoned B-2, which is general business allowing most types of business. There are several lots, including portions of the A-Market lot and about four other lots to the south that are zoned industrial, IND. The applicant in this case is interested in extending the B-2 zoning district to this area, including those lots so that the development group may proceed in developing that as a larger project. That has not come to the Planning Board yet. It would only come to the Planning Board after the Board took any action on this particular rezoning. At this point, that is a quick summary and I would be happy to answer any questions.

Alderman Pariseau stated I had a meeting with the proposed developer back maybe a year and a half ago and I haven't heard from him since. What is their intent on the use of South Beech Street as an egress or for truck traffic?

Mr. MacKenzie replied I have not asked the specific question about truck traffic. I will show you what they are proposing for access. They do want their primary access on South Willow Street, which would be primarily right here at Loring and they would be making improvements there on Loring Street. Originally they proposed a back access that would come along the old railroad tracks and connect directly to South Beech Street. The staff did review that with them and after some discussions they have modified the

proposal so that the back access would come directly up the railroad tracks to Spring Garden connector, rather than connecting directly out to South Beech. We have not discussed the issue of truck traffic at this point.

Alderman Pariseau asked have they proposed any financial assistance to the City in taking care of that intersection on Spring Garden.

Mr. MacKenzie answered I believe it is their intent to handle all of the costs associated with tying into the public street system. At this point, they haven't asked for any assistance and in order for the project to work, they would have to make those improvements to the various streets they are connected to.

Alderman Pariseau asked how does the use of that railroad property affect the recreational use that has been proposed in the future for that railroad right-of-way.

Mr. MacKenzie answered we did talk to Parks & Recreation about that. They actually met with the applicant. They initially had some concerns. As I understand it now, and I don't believe either Ron Johnson or Ron Ludwig are here but they believe is might actually provide some improved access for trail systems down along here by having some type of access point in here. I perhaps would like to get the correspondence. There was some correspondence that came from Parks & Recreation.

Alderman Pariseau asked would it be possible that before any action is taken by this Board that we get together with the developer and have this stuff cast in concrete to assist the City financially.

Mr. MacKenzie answered the developer is here tonight if you wanted to specifically ask him all of those questions. If they can't answer them tonight I would be happy to follow-up with any specific questions and see if we can negotiate something.

Alderman Pariseau stated well he has heard the questions so I am anxious for a response. How many businesses are being displaced because of this potential development?

Mr. MacKenzie replied I would prefer that the applicant answer that. They would be much more familiar with the number of businesses.

Alderman Pariseau responded well there was some discussion that some of the businesses would be invited to stay on-site or in that general area.

Mr. MacKenzie stated I am aware that at least three of the businesses, as part of the package, would actually be relocated down to three lots that would be created on Faltin Drive. At least three of the businesses would be relocated and reconstructed in new facilities.

Alderman Pariseau asked is Donovan Springs' departure from that area dependent upon the rezoning.

Mr. MacKenzie replied I don't understand the question.

Alderman Pariseau responded Donovan Springs is currently there. If this area is rezoned, Donovan Springs is moving out?

Mr. MacKenzie stated it is my understanding that they are but I am not aware of the particulars or where they are going.

Alderman Pariseau stated well referring back to my original discussion with the developers, Donovan Springs was to go off of the Candia Road, 293 area somewhere but I was reminded maybe last week that Donovan Springs is considering moving to Londonderry and I don't know if you are privy to that or not.

Mr. MacKenzie replied no I am not.

Alderman Vaillancourt stated we had a major discussion back in the early part of this year about the traffic on Gold Street heading down to John Devine Drive and the other major shopping center down there. I think everybody knows that what you are talking about here is the development of a Shaws Supermarket. Is that correct?

Mr. MacKenzie replied that is my understanding, yes.

Alderman Vaillancourt stated well given that you can only buy a loaf of bread at one place or the other, do you foresee that if this were to come in here it would alleviate some of the problems with traffic on Gold Street and people going down that way. Have you done a traffic analysis of the ramifications of this?

Mr. MacKenzie replied the applicant is preparing a traffic analysis. They will have to have one when they come to the Planning Board. I haven't seen whether they have analyzed or some might be diverted from existing traffic. Clearly that is the case. There will most likely be some but there are a lot of people who do comparison shopping and when you have two supermarkets close by sometimes you don't get that much reduction

in traffic because if people can't find their cans of tomatoes at one grocery store they will go to the other.

Alderman Lopez stated most of my questions were answered except for one. Could you go over the procedures because I know at one meeting we had some discussion that when things go into a neighborhood notices are given and I know that this Board at one time said maybe they should have a neighborhood meeting and see exactly whether the neighbors have anything to say so what are the procedures that we are following on this.

Mr. MacKenzie replied the process is outlined in the zoning ordinance. There is no requirement for a neighborhood meeting. I know the Board at the last meeting asked me to set-up some neighborhood meetings and notify additional people. In this case, I believe the City Clerk's office did notify as an informal notification, abutters in this area. It is not like a formal process that the ZBA or Planning Board would have. It would be an informal notification. There is no requirement for any neighborhood meetings. It would be up to the Board if they would want to direct some to happen.

Alderman Lopez stated and I presume we are going to hear from residents on this issue.

Mayor Baines replied yes.

Alderman O'Neil asked can this development go forward without access to Beech Street.

Mr. MacKenzie answered I would prefer that the applicant answer that. We have asked it and they have indicated that the primary tenant would like to have or is requiring access to the South Beech Street area.

Alderman O'Neil asked and someone is here tonight from the...

Mr. MacKenzie interjected I would presume someone would be here from the applicant's group to discuss that although I don't see anybody off hand.

Alderman Levasseur asked as far as notification to the abutters, did you follow the same procedure as you would for a variance or is that separate from a rezoning issue.

Mr. MacKenzie answered it is not required by state statute, but I believe the City Clerk's Office generally follows the same procedure notifying direct abutters.

Alderman Levasseur asked as far as the five day prior to notification concerning a public hearing, was that put in the paper.

Mr. MacKenzie answered there was a newspaper notice. I don't believe that I actually saw it but I know that it was in in the required time. I think it is at least 10 days that it has to go in before the hearing.

Alderman Levasseur asked did you put a time on the notice.

Mr. MacKenzie answered I did not see the notice.

Alderman Levasseur stated I didn't see the notice but someone called me and said that you forgot to the put time in there.

Alderman Hirschmann stated with the railroad bed, is that to become under this plan an accepted City street.

Mr. MacKenzie replied I do not believe so. I believe it is the applicant's intent to make that a private way across the old railroad bed. Currently the railroad bed is owned by the Airport Authority. The Airport Authority is under some requirements by the FAA to do certain things with this railroad bed, but currently it is technically City land under the jurisdiction of the Airport Authority.

Alderman Hirschmann asked so would this easement be an elevation. Would it be elevated so they could use it as a walkway?

Mr. MacKenzie answered the right-of-way is actually very wide here. I believe it is 100 feet wide. If you put in a 22 to 24 foot access roadway, you can see that you might only take up 1/3 of that area so there is clearly enough room in my mind to have a trail system, reserve an area...in the long term we may want to reserve this as a light rail connection from the downtown to the Airport so there is enough room in this particular area to do all three. If they put their easement in the right location, you could have this easement road, a trail and a potential long-term rail connection.

Alderman Levasseur stated the legal notice that the City Clerk sent over to the Union Leader had the time for 6 PM but it did not appear in the paper that way. I think at this time we are not following the letter of the law and anybody who didn't have notification of the time could come back at a later date. I have been through a few of these instances and they do get very technically...it becomes very legal and technical in nature and we could be setting ourselves up for something. I am not sure how the Board would like to proceed with this but maybe as the Planning Director and I kind of want to go back to where Alderman Hirschmann was going with 550 new apartments being added to the

previous zoning change you wanted to make and now with this whole different thing do you have a recommendation on whether the Board should go forward with any of these proposals?

Mr. MacKenzie replied I don't have any formal recommendation tonight. On the Hackett Hill project, the current zoning does allow 460 of those 500 units to be developed as it stands now. The site in my mind is perhaps not unreasonable for the zoning that they are requesting. It is the physical characteristics. The issues that we have had, we have asked the applicant to look at. What is the traffic impact, what is the school impact but again if you are already zoned for 460 units, the difference between 460 and 500 maybe is not as great and the applicant really believes that extra area for the rezoning is important for their project.

Alderman Levasseur asked the impact on the neighborhood down in the Beech Street area...I am sure obviously you have been doing this for quite a while and I know when I first came on the Board we were looking at building a bunch of houses out near Memorial near the Mammoth Road area and I know you were talked out of that because of the impact on the schools over there but what about the impact over in that area? What is your recommendation on this? This is a dramatic change for the southern part of that street. What do you think about that?

Mr. MacKenzie answered many of the neighbors in that neighborhood would like that back access. If they are not directly on one of the heavily traveled streets like South Beech, they will probably like the idea of not having to go to South Willow Street to get into this project so there will be many in the neighborhood that like it. I have had some concerns about the traffic impact on South Beech Street. I know that is going to be the one street that is going to be hit the hardest. We have asked for additional information and the applicant has tried to modify his program to meet some of those concerns. That is really the key concern that I had about this particular rezoning.

Mayor Baines stated just to emphasize, the notice that was sent included 6 PM and it was omitted in the newspaper and all of the letters to the abutters included the 6 PM time and we are going to have to look at that and see what we need to do to correct that.

Alderman Pariseau stated I believe that we have met the letter of the law relative to notification. My question, Mr. MacKenzie, again is that the last three items that appeared before this Board for rezoning they happened to be located in Ward 9. I requested that the ordinance be changed where the abutters become part of the process for rezoning. It happened on South Beech Street. It happened on Gold Street and now we have this item.

Is there a way that we could formerly introduce, via ordinance, notification to the abutters?

Mr. MacKenzie stated it is not required by state statute. It is somewhat unusual in my understanding of other communities in dealing with the rezoning. The Board, I believe, could go and I would like to confer with the City Solicitor but I believe that the Board could make it as part of the formal zoning program rather than an informal process but require it as part of the rezoning regulations. I believe that is possible if the Board wanted to do that.

Alderman Pariseau stated, your Honor, I would like to move to do that.

Mayor Baines replied well this is a special meeting for the public hearing.

Alderman Pariseau asked Tom Clark to look into that.

Alderman Gatsas asked what is the area of that proposed rezoning.

Mr. MacKenzie asked this particular one on the screen. I don't have the exact acreage of this. I suspect the applicant could quote that number.

Alderman Gatsas asked what is the per cost per acre for industrial land and what is the cost per acre of B-2.

Mr. MacKenzie answered I would probably defer to Jay Taylor. I used to have a number two or three years ago, but the numbers have changed do drastically in the last year to year and a half that I am hesitant to quote. A well-located B-2 district is more valuable than an industrial district in general per acre but it depends on the site.

Mr. Taylor stated generally speaking the market for industrial land in the City with utilities tends to...the upper limit of that tends to be in the \$75,000 an acre range. My guess as far as commercial value land I would think that you are probably looking at three to four times that on a per acre basis. That is just a guess.

Alderman Gatsas asked how much industrial land is left in the City.

Mr. Taylor answered vacant industrially zoned land is probably fewer than 100 acres. I could give you an exact figure but I don't have it in my head. It is fewer than 100 acres. I am pretty confident about that.

Alderman Wihby stated, Jay, we had talked about taking industrial land before and you were always against it but in certain circumstances where it made sense you were in favor of it. What is your recommendation on this one? Do you see this being used for industrial?

Mr. Taylor replied I think the chances of this being developed for an industrial use are slim to none frankly.

Alderman Wihby asked, Bob, could the supermarket still go in the other area that they own or do they need this in order to build a supermarket.

Mr. MacKenzie answered they need just a small portion of it to extend their project.

Alderman Wihby asked if this didn't go through would that stop the supermarket. My understanding is that they could still build with what they have.

Mr. MacKenzie answered they have expressed to me that they need the full area to do the project correctly and to make it economically feasible. There is more than just a supermarket. There are a couple of out buildings and there is another pad for an additional 2,500 square foot...

Alderman Wihby asked it is all going in this area.

Mr. MacKenzie answered it is all going in this area. There would be a couple of pieces...there would be another building that they are proposing, a retail building in this location and they would need the rezoning for that. This area as I said before would include the area of three other new buildings that they would be proposing to build to relocate existing tenants. I believe they are more comfortable with the B-2 in rebuilding those than they are with the industrial, the IND.

Alderman Wihby asked but just taking care of the supermarket with what they have there without this change, they could still do that.

Mr. MacKenzie answered I think they could just build a supermarket there, yes, although I am not sure if they could do it and make it economically feasible. They would have to answer that. If I could, Mayor, could I respond to Alderman Gatsas' question? It looks like a little over four acres is the area that is being requested for rezoning.

Alderman Gatsas replied it looks bigger than that. It looks like two acres in Parcel 1F. It looks like 1.75 acres in parcel 1G. It looks like 1.4 acres in parcel 1H. It looks like one acre in 1J. It looks like 1 acre on 1K. It looks like a half an acre in 1M.

Mr. MacKenzie responded the existing line runs through those properties so you would have to deduct out the area within the existing zone. You would have all of 1G, which is about 1 ¾ acres, all of 1F, which is a tad over 2 acres and then just a portion of 1J and 1K. Between those two, probably less than an acre of those lots would be rezoned. I will just quickly touch upon the third item tonight. The third item is requesting an extension in the height of buildings allowed in the RSM district. Currently that is 35 feet. They are requesting that it remain the same number of stories, which is three, but they go to 45 feet. That would allow them to basically put a gable roof on the building and not project into or exceed the zoning limitations. There are no maps with that. That is just a technical change to the ordinance.

Alderman Thibault stated I am looking for the impact on Willow Street. Of course we know that Willow Street now is a very easily traveled road but with this, this could probably add some more to it. I am just wondering if anybody has any kind of an impact study on that.

Mr. MacKenzie replied yes. I haven't seen it yet but they are preparing a traffic impact study to evaluate both the impact on South Willow Street and I think they will be showing us the impact on South Beech Street as well.

Alderman Thibault asked is this going to come in when it goes to the Planning Board. Are you going to be looking at that at that point?

Mr. MacKenzie answered normally it goes to the Planning Board. The Board, if it so wished, could get any information that the applicant has now and I could relay that to the applicant if the Board wanted to see that before they took action.

Alderman Thibault stated it would seem to me that it would be very valuable to some of the Aldermen in that area.

Alderman Pariseau stated is Item 3 citywide.

Mr. MacKenzie replied yes.

Alderman Pariseau asked do we have any input from the Airport or should we.

Mr. MacKenzie answered we could ask the Airport. The only area that is currently zoned RSM that is near the Airport approaches is the area off of Weston Road. That would be the closest one and I don't believe that is in the Airport approach zone. We could certainly ask the Airport if they have any issues with that.

Alderman Gatsas asked is Item 3 in reference to the first project that we looked at.

Mr. MacKenzie answered yes. It was the applicant dealing with the first project that asked for that change.

Alderman Gatsas asked are they going to build single family homes 45 feet high.

Mr. MacKenzie answered the multi-family portion of the project they are requesting be three stories but they do want to put gable roofs on the multi-family portion. Again, the split is roughly 380 units multi-family and 120 single family homes.

Alderman Gatsas stated so this isn't really to do with the 18 acres.

Mr. MacKenzie replied that is correct.

Alderman Gatsas asked this is to do with the 104 acres.

Mr. MacKenzie answered correct.

Alderman Gatsas asked R-1B, what is the square footage for a lot.

Mr. MacKenzie answered 7,500 square feet.

Alderman Gatsas asked what is the next one.

Mr. MacKenzie answered R-1A is 12,500 square feet.

Alderman Gatsas asked what is the next one.

Mr. MacKenzie answered that would jump to the RS, which is one acre.

Alderman Gatsas asked and there is nothing in between.

Mr. MacKenzie stated in between R-1A and RS, no.

Alderman Gatsas asked if they are only looking to build 40 residential homes then why wouldn't they be looking for an R-1A, which is 12,500, which would give them somewhere around 60.

Mr. MacKenzie answered I think you could ask the applicant that. I suspect they looked at everything being zoned RSM and felt that it would be easier to extend an RSM district than trying to create a new district there and I am sure they are trying to preserve the flexibility that they might want on developing that site.

Alderman Gatsas asked you mean increasing the units from 40 to something above that.

Mr. MacKenzie answered it is possible. Their current plans show 40 single family, but they could make changes in the future if the Board rezones it.

Alderman Levasseur stated I am a little confused about this process that we are going through. Alderman Thibault's question was a good question because he asked about the impact of the traffic. I know when these special projects come through we are not talking about the third one but the first and second but in general you are asking us as Aldermen to make a decision on whether we should change the zoning when we don't have any idea what the impact is going to be on the neighborhoods and what the impact of the traffic is going to be. I just don't understand why we would bring a zoning issue like this when the Planning Board directly deals with impacts, streets, abutters, and notification to abutters...all of these issues that we are discussing here really I think would be better suited for the Planning Board. That is the only thing that they have to really worry about. We are about to give you and obviously not here tonight but when it goes through another...we are going to allow the zoning changes and when the zoning is changed they go to the Planning Board but the zoning will be changed whether the Planning Board decides to allow these projects to go through or not. It seems to me to be and I don't want to say this word but backwards. I think people know what I am talking about.

Mr. MacKenzie stated the ordinance does provide...if you want to request a recommendation or more detailed information from the Planning Board you may do so.

Alderman Levasseur stated I would feel more comfortable, Mayor.

Mayor Baines stated it goes to the Committee on Bills on Second Reading also.

Alderman Levasseur replied but again we are going from here to the Committee on Bills on Second Reading with the same Aldermen. We are not going through the process to get the recommendation from the Planning Board, which I would feel a lot more

comfortable doing. I have been to a lot of those Planning Board meetings and I feel that it is a very competent staff and a very competent Board there that seems to be up-to-date on a lot of these issues. I have seen them argue over a lot of these issues on certain areas. It just seems to make more sense that we would want to get a recommendation from the Planning Board before we would allow a zoning change. I wouldn't feel comfortable making a zoning change without knowing what the Planning Board has to ask. I know that they have more of an expertise to ask better and more pointed questions. I think that is what they deal with on a regular basis obviously. I mean you guys are loaded with stuff and they know what they are doing. I would rather this Board waited until we got a recommendation from the Planning Board before we decided whether we should change the zoning. You may think they are different, but I don't.

Alderman Cashin stated this public hearing is to hear input from the citizens and that is fine and then it is being referred to Bills on Second Reading and all of these questions, although they are very valid, I think could be asked at the Bills on Second Reading meeting where the participants are there that could answer the questions. I think we are trying to ask questions tonight that can't be answered.

Alderman Levasseur stated as far as making a motion or directing a motion to go to the Planning Board instead, would that be done this evening or would it have to wait for the full Board meeting.

Alderman Cashin replied when the Planning Director comes before the Bills on Second Reading meeting he is generally in a position to make the recommendation one way or another. I mean that happens.

Alderman Levasseur stated the reason why it is going to come in front of us, they are going to come in front of us and do this whole dog and pony show in front of Bills on Second Reading...I mean it is a lot of work for these people to come in here and explain and go over these questions and then they are going to go back and do this thing all over again in front of the Planning Board. It seems to me more prudent to let the Planning Board ask all of the questions and if the members of the Committee on Bills on Second Reading want to sit through it, it would just be a better process. Then that recommendation could come to this Board. That is how I feel and whether you want to stay with the old way or not that is fine but this is the way I am thinking and I will make a recommendation tomorrow night.

Alderman Cashin replied I don't believe the Planning Board has anything to do with rezoning. This rezoning is going to go to Bills on Second Reading and then it comes back to the Board of Aldermen.

Alderman Levasseur responded I agree but then they could give the recommendation that they are going to allow these projects to go through and then we would make a decision on the rezoning. It makes no sense to allow a rezoning and then have them turn around and say they don't want to do the projects and then keep the zoning the way it is. That is all I am saying. That is my logic.

Mayor Baines called for those wishing to speak in favor or opposition to Items 1 and 3 relating to Countryside Boulevard west of Hackett Hill Road.

Tim Nepveu, 320 Hackett Hill Road, Hooksett stated:

I live in Hooksett but am also a taxpayer in the City of Manchester. My main concern is I am the major abutter in Hooksett and living there it is a real fragile environment. Plus the height limitations, is that 45' from the basement floor to the top of the roof or is it 35'? The elevation in that area is quite hilly and I am wondering if that is going to be from ground elevation or foundation elevation meaning that one story could be recessed into the earth. That is basically one of my main concerns. To me, it would be a high impact area as far as schools, fire, police, and highway. I would like to have that taken into consideration.

Dan Callahan, Manchester NH stated:

I am a lawyer with Devine, Millimet and Branch. We represent Hackett Hill Real Estate Development Company, LLC, the owner of the property in question. I know that Attorney Lazos is the attorney who represents the developer and I am sure he can answer some of your questions. For the record and for a little bit of background, Hackett Hill Real Estate Development Company, LLC is a limited liability company which has two members – Alliance Resources, Inc., a not-for-profit company owned by Catholic Medical Center and the Elliot Hospital. This was part of the probate proceeding in which there was approximately 425 acres of land off of Hackett Hill Road in Manchester that was owned by Alliance Resources and the resolution of it was that certain portions were conveyed to the Hackett Hill Real Estate Development Company. Lot 16 on the plan is retained by Alliance Resources. That is to the north and west of Hillcrest Terrace. In addition to Lot 17, Lot 8, Lot 7 and Lot 5 and the roads that are in this area, there is also Lot 15, which is approximately 140 acres of undeveloped land located south of Countryside Boulevard and actually south of Lot 17, the lot that we are dealing with with regard to the rezoning. Lot 15 has been designated as a significantly important conservation area and we have currently received an offer from Mr. Taylor to purchase that property and that issue will be discussed by the board of the Hackett Hill Real Estate Development Company at its next meeting, which is on August 16. Originally when we reviewed the zoning proposed ordinances, we asked the City to consider Lot 17 as it was

designated to be commercial. There was some discussion about whether a developer would want commercial development out there. In addition, we also requested that the lots not be split zoned and that was particularly important with regard to Lot 16. The zoning changes... Lot 17 was not zoned commercial and it, in fact, is a split zone as is Lot 8. I think that the developer approached us and asked us and we sent in the rezoning request that was made with regard to that issue. With regard to the height, as I understand it, it is not increasing the floor area for these buildings, but rather to increase or improve the aesthetic quality of the building by having the taller buildings there. I don't know if it is appropriate, but I would be happy to answer any questions.

Mayor Baines replied we are just taking testimony this evening.

Alderman Gatsas asked did the City make an offer on this piece.

Mr. Callahan answered not on Lot 17 but on Lot 15, which is located... I don't know if you have the entire... Lot 15 is and I will show you on the map. This is the lower portion of Hillcrest Terrace. Lot 16 is the part that is owned by Alliance Resources. Lot 15 is between Countryside Boulevard and the UNH land that the City owns. That is about 141 acres of land, which does have some environmental significance and some flora and fauna located on the property and that is what we are discussing. In addition, we have received a request from the Nature Conservancy with regard to granting easements on Countryside Boulevard and parking near Lot 17 for purposes of the conservation group using that. We have agreed in concept but haven't finalized the document yet and that is where we are at this point.

Alderman O'Neil stated I have a comment and this isn't necessarily directed at Atty. Callahan but we don't have any of these maps and Mr. MacKenzie talks about one piece of property and the attorney references a different one. It would be helpful for us if we had all of this information.

Mayor Baines stated we will try to make sure that the Board members get copies of the maps so they can deliberate on how they want to proceed.

Nick Lazos, Manchester stated:

I represent the Waterford Development Group and I am here to speak at this point concerning the Countryside Village request. There has been some discussion about the 45' and I have a rendering here of the apartment building that we are proposing to build at the site. The reason for the request to increase the height of the building is very simple. Most apartment buildings that are built in New England are basically three stories and my client wished to build a three story building but the new ordinance when it

was adopted back in February unfortunately had a 35' height restriction with a three story building and the effect of that is that we would not be able to build the gable sloped roof that you see on the design. We would have had to build a flat roof building and my clients would prefer building the much nicer colonial style building and that is what that is all about. There is no intent to build a 45' high single family home or anything like that. As far as the rezoning of Lot 17 and a portion of Lot 8, frankly that wasn't discovered until the end of June when our engineers were having meetings with the Planning staff and it was realized that that portion of the property had not been rezoned as was the rest of the property owned by Optima. We had already been developing a conceptual plan for the project and we had already met a couple of times with the staff and we had laid out single family lots on Lot 17 and Lot 8. I do have a conceptual plan that we are going to be presenting to the Planning Board this Thursday. I came in a little late and I apologize. I got the wrong time from the City Clerk's Office for the hearing. What happened is we had laid out the property and Lot 17 was intended to be a single-family lot and I heard some concerns voiced about the density by Alderman Gatsas. The goal of the project is to develop the apartment complex basically in the middle of the property and to build and develop a single family project of approximately 140 to 150 homes out by Hillcrest Terrace and south of the road on Lot 17. That plan has not changed, however, we do need the zoning change in order to allow those single family homes as we have designed them, approximately 40 to 42 of them, to be located on Lot 17. As I said it was a surprise to the hospital and to us when we determined that the lower parcel had not been rezoned and Mr. Callahan had explained somewhat of the history. If there are any specific questions, I think in the context of the entire project it is clear that the difference in zoning is not that significant. We are talking about 42 single-family homes right now and if anything that will be reduced as we refine the design of the road and the size of the lots and deal with the wetlands issues there. Under the RS zone we would have approximately 15 lots so in the big scheme of the project itself, the impact of the rezoning is insignificant and I think the issue of having a review by the Planning Board...we are sort of trapped in the difficulty of the process. The reality is that you try to design your project to reflect existing zoning, which is what we did and we were surprised when we discovered the zoning wasn't what it was supposed to be. To go back and forth between the Planning Board and the Aldermanic Board to get rezoning would be extremely time consuming and uncertain and we have had at least three meetings with the Planning staff and we have refined the plan dramatically during that time. We have had extensive meetings with the Highway Department, Water Works and other parts of the City to discuss impact fees, sewer and water extensions, road work and that sort of thing. This plan that you see has gone through a significant amount of work and analysis and that is why we feel comfortable requesting the zoning change at this time.

Alderman O'Neil stated I just want to make sure that I am clear on this. They generally will present all of these detailed materials at the Committee on Bills on Second Reading? My understanding is it is on the agenda for tomorrow night at Bills on Second Reading. They don't have the information for us tonight but they are going to have it for the Committee tomorrow night.

Alderman Cashin replied well they may have it for you tonight but that is not really what this meeting is about. If you want to ask the question go ahead but this is for public input.

Alderman Hirschmann stated on the Item 3 zoning request for height I would prefer for this project that you went for a variance specifically for this project because by us changing the zoning for the entire City you are going to impact some developments that I am aware of on the riverfront that could go up another whole story and it is going to impact the RSM areas in my ward that I am concerned with. I prefer that you apply for a variance for height rather than to change the City ordinance.

Attorney Lazos replied you misunderstand. We are not asking for an increase in stories. It is still limited to three stories. What happened in the new ordinance is that the definition of height was modified so that you now measure height from the top of the roof to the ground rather than from the average height of your roof down to the ground so previously this wouldn't have been an issue under the old ordinance but because the ordinance was amended, height is now measured differently. We are not increasing the number of stories. You are still limited to three stories for a multi-family structure.

Alderman Hirschmann stated but if we change it...instead of having a 35' place on the waterfront I am going to have a 45' place on the waterfront. I would prefer that you get what you want for your particular parcel but don't impact the rest of the City.

Attorney Lazos replied all I can tell you is...I know that people say go and get a variance but getting variances is an uncertain proposition and what we are saying is that the ordinance itself previously allowed a slope roof structure and we, frankly, don't understand why a slope roof structure would be an issue in the ordinance. Frankly, what you are doing in the ordinance is requiring everyone to build a flat roof building and that is not aesthetically what you really want.

Alderman Hirschmann responded quite frankly what you are doing is you could have a two story structure with your beautiful roof line but you want to make it more dense and have that third story in there plus your roof line. That is the truth.

Attorney Lazos stated the truth is that the density is loud in the zone.

Alderman Hirschmann replied for the flat roof.

Attorney Lazos responded let me take a step back. We are trying to design an attractive, aesthetically pleasing apartment building.

Alderman Hirschmann replied I agree and I hope you do that but I hope you don't impact the rest of the City.

Attorney Lazos stated our goal is not to impact the rest of the City.

Alderman Wihby stated my understanding was the Planning Department was in agreement to the change. Is that correct?

Mr. MacKenzie replied Atty. Lazos is right. The definition of height changed from the old ordinance to the new ordinance. This particular area was actually zoned at a higher density in the old ordinance. The net effect, even though it sounds higher, the net effect is the building should not be much different in height because the old ordinance didn't take it all the way to the peak of the building. It only took half of the gable. The new ordinance measures the height all the way from the ground to the very peak so the net effect should not be great and the Planning staff really does not have a problem. We were actually putting together changes and look back provisions to bring to the Board to change to this height.

Alderman Wihby stated normally what happens in this process is that we hear comments from the public and that enables the Planning Director to also hear the concerns and in the meantime he has already looked at different concerns of his own and then they do make a recommendation to the Bills on Second Reading Committee. I anticipate tomorrow that there will be some sort of a recommendation based on some of the comments that we are hearing today and based on the information that they have been working on since this has been on the agenda for a month.

Alderman Lopez stated I would like to echo Alderman O'Neil though. This is on the agenda for Bills on Second Reading tomorrow night and if the information is not presented tonight...I guess we are all going to have to go to the meeting of Bills on Second Reading to hear the presentation because there is a lot of impact to highway, schools and everything else. I hope somebody has all of that information before I vote.

Alderman Gatsas asked is there a reason why you wouldn't look for an R-1A zone on that piece.

Attorney Lazos answered the basic reason is that we wanted the entire property to be zoned consistently with all of the remaining property owned by the hospital. We didn't intend to create an independent zone in the middle of nowhere.

Alderman Gatsas stated you are telling us that you are only looking to put 40 residential homes and in R-1A it would allow you 60 and the impact is not 270.

Attorney Lazos replied again our goal was to create consistent zoning. We didn't want to do 60. Basically my client who is sitting next to me, Peter Demato, has effectively designed the project so the RSM zone fits our needs quite nicely and is consistent with the rest of the property so we felt it would be easier to basically make the zoning in the area consistent.

Peter Demato, Manchester stated:

I am with Waterford Development and I think it is important to note that when we first came into it, it looked like it was all zoned the one way and apparently when they did the rezoning they must have missed this one little piece in that bottom left-hand corner so we felt it was easier to just do that. The other thing about the density that Alderman Hirschmann brought up is first of all we are probably 2,000 units less than what it was originally zoned for, which means something. Secondly, in relation to whether a building is a flat top building or a gabled country style building really is more a function of where it is going. We don't want to do what we are not allowed but at the same time we are sitting out in the country and to build a three story building with a flat roof that might look great downtown but it might not fit out there and in the reverse if you are over by your waterfront I imagine you wouldn't want a flat building and would probably want something nice with a gable on it. It has to do with where you are fitting this in. The purpose of the increase in the height of the roof is to make the building look nice in the area that the setting is. You don't want the whole world to see a tuxedo and then you have a brown shoe and that is what you would be looking at the other way. That is important to note. As far as the lots, if they didn't miss it the first time it would have been easy. We would have just had one RSM zone. I think it is important to note what we are trying to accomplish.

Alderman Gatsas stated I certainly understand the brown shoe with the tuxedo. The problem is there is no guarantee that you are going to go to that dance with 40 lots. If we rezone it, you can put 270 units there.

Mr. Demato asked where.

Alderman Gatsas answered on that one piece.

Mr. Demato answered gosh no.

Alderman Gatsas stated that is what the zoning calls for.

Attorney Lazos replied you mean because it is big enough where you could put a multi-family building down there but that is the last thing in the world that we are trying to accomplish. In fact when we met with the Nature Conservancy my intention when I sat down with them was to actually create a situation on that side of Countryside Boulevard where we could create, instead of a 25' we are trying to go up to a 50' no touch zone towards where the beech and the gum trees are which was a sensitive issue for them. I said the way these lots are laid out we might be able to literally pull this up and have a 50' instead of a 25' no touch to protect that area more. The last thing I am looking to do, the last thing and outside of my word I don't know what else I can give you but the last thing I want to do is try and put more apartments there. The apartments have their own little spot up in the middle. It is surrounded by the single-family homes. That is the last thing I am trying to do but I understand what you are doing. If you rezone it and something happens then somebody could come back but that is not the right place for it. You would never even be able to fit the buildings there the way the wetlands come through there. It is just not that big of a spot. It would be very difficult for someone to try.

Mr. Demato stated in addition, Alderman Gatsas, the plan that you are looking at is, in fact, the plan we are going to present to the Planning Board in two days.

Alderman Gatsas stated you may present that plan in two days and they may approve that plan in two days but four weeks from now you may sell it to somebody else as an RSM zone and they can come in and they can build 270 units because we have heard stories sitting on this Board and I haven't heard as many as Alderman Cashin has but we have seen the changes that have come forward to us change. All I am saying is an R-1A if you are looking for a residential single family as you are telling us than the residential R-1A with 12,500 gives you 60 units or 60 residential single family. That should be ample if that is what you are looking to do there. If you are looking to maximize the area, then you are looking for RSM.

Attorney Lazos replied I can't argue that. You are right. If something strange happens and somebody sold it and it was RSM then you could find another guy who might want

to jam it in. If an R-1A is better and makes everybody more comfortable, I don't have a real issue with it except that we have to come back to do it. It is not something that you can do now.

Chairman Cashin asked could you work something out between now and tomorrow night so that we have an answer.

Attorney Lazos replied we would be happy to. As I said we have sort of done this a little bit backwards unintentionally. We designed the project as a single family project on that part and then we were told that the zoning didn't fit. We will try to meet with the Planning staff to see if we can work that out.

Alderman Gatsas responded that is not true. The zoning did fit. It is fitted for one-acre lots, which would have given you 18 instead of 40.

Attorney Lazos replied you are assuming 18 but the topography and the wetlands and the other things would reduce it dramatically. It is probably between six and eight. One of the things you need to remember with your new ordinance is that wetlands areas and steep slopes are not included in your minimum lot area calculation so that is why our minimum lot, even though the ordinance allows 7,500 square foot lots, I think the smallest lot we have is about 10,500 because of the slopes and wetland issues. The ordinance is more restrictive than you remember it to be honest with you and that is why our lots are relatively large compared to what theoretically could be put in there. That is why we feel pretty strongly that the idea of putting 270 multi-family units in there is extremely unrealistic because you will never get the parking in there and the lot is just not conducive to it. That is why we designed it as single family. Again, we don't even know if R-1A works with our design to be honest with you. We would have to have the engineers sit down and figure it out.

Alderman Wihby stated I know we did it once before where we had a covenant or a restriction on there citing what the individual developer could do so that it was rezoned but it was rezoned to exactly what they were talking to us about. Is that a problem?

Attorney Lazos replied it is not a problem for us but whether it is a problem for the hospital I will let Mr. Callahan answer that. As far as we are concerned, we would be happy to put a restriction on the property that said it would be used for single family homes. That is not an issue for us. I will let Mr. Callahan speak for...you know we haven't purchased the property yet.

Alderman Wihby stated well maybe tomorrow you could sit down with the Planning Director and talk about that. I know that we have done that in the past.

Attorney Lazos stated personally the developer would be happy to put the restriction regarding single family homes. That is not an issue for us.

Billy Dodd, 181 Mammoth Road, Manchester stated:

First of all I have to say the applicant came here tonight poorly prepared. The people sitting in the back here have very little information. They have no handouts of the layout of the plan that were passed around to you guys. The people back here cannot adequately come up and address the issues that these people have put forward. I am amazed at that. The map that was up there of the property, I am trying to remember what it looked like but down on the bottom I believe there were 142 acres. Who owns that? My next question goes to Mr. MacKenzie. Several months to a year or so ago, is this part of the 200 acres that you mentioned that the City was negotiating to buy to go along with the Hackett Hill property?

Mr. MacKenzie replied yes. For several years this is the area that has been identified by the various environmental groups and in a consent order to acquire. The 142 acres is that area.

Mr. Dodd asked so the original price for the Hackett Hill property in exchange for UNH coming downtown is more than the...what was it \$6 million originally proposed. So now it is going to be considerably more and nobody has any idea and or knowledge of. I understand your presentation, Mr. MacKenzie, was that the 142 acres...it kind of sounds like a little bit of it depends on this area getting rezoned as to whether it is going to come through or not. I think Alderman Gatsas hit the nail right on the head. The bottom line reason for this property needing to be rezoned is dollars. It is worth more money being rezoned. If you go over on Edward J. Roy Drive, they are putting up two units there with 66 units in each one or 132 units in total. How many kids is that going to put in the school system? How much more fire service is that going to require?

Alderman Pariseau stated Mr. Dodd is out of order. We are discussing Hackett Hill Road.

Mr. Dodd replied I am trying to tie it together. I think Alderman Gatsas was getting to the point of you really don't know what is going to be done with this property. If you remember, we signed an agreement with Ogden Management for the civic center and everywhere in the contract it said "and designee" and when we sold it we had no control over it. I think Alderman Gatsas was getting at that same point. I think Alderman

Levasseur has an excellent idea. My theory has always been that City government should be a triangle of the Planning Board, the Aldermanic Board and the School Board. I think his idea of trying to bring the Planning Board in to get a better perspective of what is going on here sounds like a valid idea and a very worthwhile one but again more apartments going up there...I don't know if this was inadvertently left out or if it was supposed to be for single family homes but the bottom line in my opinion is that it adds up to dollars and those dollars are going to end up costing us more when it comes to the school system.

Chairman Cashin asked does anybody else wish to speak on Hackett Hill.

Mr. Callahan stated the property that they were referring to is Lot 15, which is located south of Lot 17. Lot 15 contains about 142 acres of land. That property is owned by Hackett Hill Real Estate Development Company, LLC. An LLC controlled by CMC and the Elliot Hospital pursuant to a probate court order on the disaffiliation and we received an offer from the City to purchase that property, the City's appraisal value of the property, which I think was less than \$2,500 per acre. That is being negotiated now.

Chairman Cashin called for those wishing to speak in favor or opposition to Item 2 relating to Faltin Avenue/Donovan Spring property off So. Willow Street.

Rick Bilodeau, 358 Gold Street, Manchester stated:

When we were trying to solve the problems with the traffic on Gold Street and we suggested using the right-of-way where the railroad tracks were we were told that that property was basically untouchable and now we can use it at the opposite end of the road. I am wondering if they are going to put this new shopping center in there why they couldn't make that road accessible from Gold Street all the way over and then it would take care of the traffic on Gold Street. I am just curious why now it is accessible and somebody can use it when before we couldn't.

Bill Larkins, 245 Carnegie Street, Manchester stated:

My interest in the Shaws rezoning is strictly with regards to the issue of how you will dispose of the property associated with the railbed. I understand that there is clearly a traffic problem down on South Willow Street and I would really like to encourage the Board of Mayor and Aldermen and encourage the Planning staff to consider seriously any diminution in the amount of that railroad bed that is available for future use as a recreational path and as a future rail line. I think that this City has a lot of untapped resources that are going to be available as Ron Johnson and Ron Ludwig work on it over the next 10 or 20 years to turn the old railroad beds into a network of trails in the City to make it a world class City and also to keep them in perpetuity for the time that we need to

be able to have railroad access to the rest of the nation. Our City, I think, is on the threshold of heading towards development that looks more like Houston or Boston and that railroad bed, I really think, is a treasure along with the railroad bed along the Piscataquog and the one that goes out towards Massabesic. Any decision that you make on rezoning and I know at one time we talked about rezoning at one end or at both ends with the PSNH property that eats away at the quality and integrity of that railroad bed I think is a great loss to the City so I just want to make sure that in the decision process you carefully consider that because what will make Manchester a world class City isn't the continued building of roads but also features like railroad beds that are recreational and railroads that actually bring people to and from the Airport and the greater Boston area. Thank you.

Gene Benoit, Manchester stated:

I am the developer of the Shaws project and I just want to give a couple of quick answers to a couple of the questions that were raised tonight. With regard to the traffic on Beech Street and Gold Street, we are only planning on crossing the railroad easement on one section. We are really not going to try and fix the traffic on that side of town and our traffic report is not done yet. When it is done, we will bring it to the Planning staff for comment and review and try to figure out how we are going to cross that easement. Specifically to the railbed question we are planning on constructing a bike path in the area where we intend to cross so the length of the easement and this will become clearer once we get to the Planning staff level, we are actually showing a 10' wide bike path in the area of the right-of way already. That particular easement and we are coming back to the Board of Aldermen at a later time for permission for that easement, is 100' wide. We are going to use 49' of it. Within that 49', 10' is part of that bike path and green space. So we are going to come back to you on that particular issue on another night. We are really here tonight only for moving the zone line on the Donovan parcel so that all of the parcels that we have under contract have the same zoning. That is really all we are here for tonight.

Alderman Pariseau stated to clarify a point that you just stated, Mr. MacKenzie made us aware of the possibility of using 22' of that railroad right-of-way. You just brought up the figure of 49'.

Mr. Benoit replied 22' would actually be the area where the cars would drive. In addition to that we have green space and bike paths that would come up to that 49' level.

Alderman Pariseau asked how would this impact the potential for a recreational...I mean not just to stop at Shaws but to go downtown where it is supposed to go.

Mr. Benoit answered there is an additional 50' that would be wide enough as we were told by the folks at the State rail office to put in a future rail line if it were ever contemplated or desired. We left room for that.

Alderman Pariseau asked what are the number of businesses being displaced and the number of employees. Do you know that?

Mr. Benoit answered the Donovan Spring company is moving to a different location and they have 78 employees. The Precision Auto place is moving to another building on site so they are not being displaced. Sterling Auto is being moved on site so they are not being displaced. We are in negotiations with Queen City Cycle as to where they may end up. We are in negotiations with A-1 Towing as to whether or not they are going to be replaced on site. Really, it is only Donovan Spring and their entities that will leave the site.

Alderman Pariseau asked how about the residences being displaced. Do you have signed agreements with all of those homeowners?

Mr. Benoit answered we have signed agreements with all but one. Those are the homes on the south side of Linguard.

Alderman Pariseau stated it is my understanding that Queen City Cycle was told that they are not part of the process. Are they welcome back in?

Mr. Benoit replied I was in their lawyer's office today. There has been an ongoing review of the contract proposal that we had with them for the last 30 or 45 days. We are clearly in negotiations with them.

Alderman Pariseau asked what is the developer's commitment to the City relative to financial assistance in improving the traffic situation on Spring Garden and South Beech.

Mr. Benoit answered our traffic study is not done. It is being done by Vanessin Associates. We expect that it will be done in the beginning of September and once that is done we will know how to design the intersection and whether this easement taps into Spring Garden or comes out onto South Beech. It hasn't been determined. That really has to do with what the traffic study says.

Alderman Pariseau asked would the City have an opportunity to come up with a wish list of things that we probably could squeeze out of the developer relative to the improvement of recreational facilities in the area like Precourt Park for one.

Mr. Benoit answered it is certainly a question that could be asked.

Alderman Pariseau stated we did that for Home Depot. We acquired \$125,000 for the construction of a sidewalk on Gold Street. We also received \$125,000 that is set aside for the increase in recreational facilities at Precourt. I am wondering if the developer is willing to address those issues or not.

Mr. Benoit replied I don't think I can address them tonight. I think that would be premature. If there is a specific proposal that someone would like to make to us that we could review prior to the time that we submit the plan we would be happy to review that.

Alderman Pariseau stated I think I would like to see it before deciding on the rezoning. I guess that is tomorrow night.

Alderman Levasseur stated we talked about displacement now let's talk a little bit about what you are bring to Manchester. I am not really familiar with how many storefronts you are bringing in. I have a picture of it in my mind but I haven't seen a concept.

Mr. Benoit responded we have not publicly discussed this project at all. All that has been gleaned by the newspaper and others has been from comments made by individuals involved in the process. We have not made any public statements about this. Basically what is being developed or what will be developed is a Shaws Supermarket anchored shopping center.

Alderman Levasseur asked how many employees do you figure with that.

Mr. Benoit answered Shaws itself is a 6,500 square foot store typically and this one may be a little larger because of the needs of the area and they would have anywhere between 200 and 300 jobs in that store and they slide between full and part-time about 50/50. I am hedging my bet on that a little bit because I am not with Shaws. I am with the development team and depending on the tightness of the labor market the full time versus part time changes.

Alderman Levasseur stated it is not only going to be Shaws. There are going to be other little shops in there right?

Mr. Benoit replied right there will be several other stores and they will be the typical stores that go along with Shaws.

Alderman Levasseur asked do you have any idea what the tax impact would be for your development.

Mr. Benoit answered I don't but I could certainly have that answer for you by tomorrow.

Alderman O'Neil asked can this project go forward without access to Beech Street.

Mr. Benoit answered no.

Alderman O'Neil asked absolutely, positively it will not go forward.

Mr. Benoit answered Shaws Supermarket has said that without access to South Beech Street they will not take this location.

Alderman Gatsas asked there is a presentation tomorrow night to Bills on Second Reading and then it comes to the full Board tomorrow night for a vote.

Chairman Cashin answered I suppose it could.

Alderman Pariseau stated the egress or entrance onto South Beech Street, could we limit it to just an egress.

Mr. Benoit replied the goal of what we are trying to do on South Beech is to take the person who would be on South Beech who typically is going to turn right onto Spring Garden, right onto South Willow and right onto the project and then leaving the store they are going to turn left on South Willow, left on the next street and then back on South Beech. We are trying to take that person off of South Willow Street. Now whether we tee that rear entrance into Spring Garden and make the first 100' of Spring Garden two way or whether it comes out on South Beech hasn't been determined because we don't have our traffic study back yet.

Alderman Vaillancourt asked if this were to be approved say tomorrow, when is the earliest that the supermarket would be open.

Mr. Benoit answered we would expect to be in front of the Planning Board in September and through the fall doing permits both at the state and local level and then doing some kind of demolition in the spring and relocation of tenants by early summer and maybe open by the end of next year.

Billy Dodd, 181 Mammoth Road, Manchester stated:

This group does have a map. My question is why are we rezoning outside of the original boundaries that are there right now? Why are we rezoning the railroad bed if it has to be a roadway to go over to South Beech Street? Why doesn't the rezoning contain itself to the original boundaries that they are going to be buying up right now? The gentleman over here brought up a very interesting point about recreational trail. I was down there this afternoon and walked the entire distance from Gold Street to South Beech. I encourage you to go down and do that before you make any decision. Has anybody ever considered the proposal going through but you have something like a scenic by-way from where the railroad bed starts at Nutts Pond north towards South Beech Street and incorporate your biking and hiking trail alongside it? No problem with the roadway coming out of the back of this property and going over to South Beech Street. I think it is a good idea to keep as much traffic from the south end completely off of South Willow Street but you could do a lot more if you ran some type of a roadway over to Gold Street also and at the same time incorporated this gentleman's idea into some type of a hiking and biking trail. You definitely have to get in there and put some restrictions on it. Just from looking at it, on the West Side of the railroad bed there is a high embankment. The railway bed actually sits a lot lower than the lay of the land up there. I wouldn't want to see any of the old grove timber cut down up there. It seems to me like the way you have it zoned here and the way the black line is on the map that if you go ahead with what they are asking for you are going to see all of that timber coming out. Why would the City want to give up that railroad bed to the company that is coming in and buying this? Are they buying that from the City, the railroad bed to put the roadway out or are we putting the roadway out to South Beech Street? Does anybody have an answer?

Alderman Pariseau replied if you are looking for an answer, I would say that the developer would be responsible.

Mr. Dodd stated the only reason I can see for the rezoning to go completely across the railroad bed is if they intend to put some kind of shop across the back there otherwise it should stay right within the boundaries of the property that they are going to buy from Donovan Spring and the other places. Definitely consider your roadway when it comes out and goes down. That could be some type of like the gentleman was talking about here, some type of a first in the City type byway with some trees and stuff in the middle like Elm Street used to be. Just to carry it a step further, get out there and look at the land because I am afraid a lot of the old grove timbers are going to come down. Just ask why they can't go back to the original property line for rezoning.

Attorney Kathy Sullivan, 95 Market Street, Manchester stated:

I am not here to speak in favor of or against the proposal. I represent a client who has some interest in the general area and is looking at some possible other development in the

area of South Willow Street. My particular client, when we discussed this today, asked about issues like traffic impact on South Willow Street and in other areas of the neighborhood and I said I can't really tell you anything because there is no traffic plan that I know of yet and I checked with the Planning Department and apparently a traffic plan was not prepared and as we heard tonight will probably not be done until the end of the month. Also, there is no specific plan before the Board that I am aware of that shows actually how this is going to be laid out. So, my comment is that it is difficult for those in the area with an interest in the area to say whether this is a good proposal or a bad proposal because there is a certain lack of information at this point. From my perspective it would be very helpful if before a decision was made on this if the Committee on Bills on Second Reading asked for the traffic study to be presented to the Committee before a recommendation was made to the Board and also any other information that the Committee may request. Also, Alderman Pariseau had asked a question earlier in the evening about conditions or covenants being placed on it and I have been involved with rezoning in the City of Manchester. You may recall the Hitchcock Clinic where there were some concerns about certain issues involving the rezoning of that property. At that time the Board required that the clinic enter into a recorded declaration that was recorded in the registry of deeds to set forth certain agreements that the Hitchcock Clinic entered into with the City of Manchester. I know that at least in one case it has been done in the past where the City felt it was important to have some types of restrictions placed with respect to a rezoning. As I said, it is difficult at this point at a public hearing to say whether this is a good proposal or a bad proposal because there is not a lot of information on hand and we would hope that the information would be requested by the Committee on Bills on Second Reading and that a decision not be made tomorrow evening. Thank you.

Matthew Skwozinski, 440 Gold Street, Manchester stated:

I am not opposed to competition coming into the area. It would be very good. The only thing I want to go on record as being opposed to is the Shaw's rezoning until we get some relief on Gold Street from that traffic. I would just like to say that I hope in your consideration of this rezoning that you would consider giving us some relief on Gold Street. I am sure the neighbors would be very grateful and appreciate it very much. Thank you.

Kirk Rosen, Manchester stated:

I am here as a representative of A Market Natural Foods, which resides at 125 Loring Street, which is indicated on this map as 1A. Our interest in that obviously is that as the only real retail business already in this area, even though Shaws would be somewhat of a competitor for our particular store, it obviously brings a lot more traffic to this area for us being retail as it is. On another line, the current zoning line actually runs a small amount

through the back end of our lot and this would alleviate us having to come before you and asking for the same exact thing on our property some time down the line if we are ever in a position where we have to expand our current building. I know that last year we had looked into that and we were actually prepared to come and start the process of looking to change that zoning line but we heard about this project and thought we should stop what we were doing. In terms of this, we are in favor of this rezoning as far as it affects our line. As far as the rest of the project and all of the other points that were brought up and whether or not it stays on or off the railroad tracks and whatnot is up to you guys to decide. We just want to be on record as saying that we are in favor of changing the rezoning in that sense as an abutter.

Chairman Cashin advised that all wishing to speak having been heard, the testimony presented will be referred to the Committee on Bills on Second Reading to be taken under advisement with reports to be made to the Board of Mayor and Aldermen at a later date.

There being no further business to come before the special meeting, on motion of Alderman Wihby, duly seconded by Alderman Pariseau, it was voted to adjourn.

A True Record. Attest.

City Clerk